

Ordinance No. 7

RESOLUTION NO. 707

WHEREAS section 45-8-201(5), MCA, passed by the Montana voters via initiative number 79 in 1978, allows local governments to adopt obscenity ordinances more restrictive than state law, and

WHEREAS numerous citizens in Ravalli County have either petitioned or requested by letter that the Board of County Commissioners pass more restrictive obscenity ordinances and the Board did not act, and

WHEREAS the BOARD OF COUNTY COMMISSIONERS have made it clear that enforcement costs or legal costs of more restrictive ordinances would be cost prohibitive to the existing budget, and

WHEREAS the United States Supreme Court decisions have primarily treated legal tests of obscenity ordinances under the rights guaranteed by the First Amendment, and

WHEREAS a proposed ordinance entitled "Public Indecency" has been presented to the Board of County Commissioners

BE IT THEREFORE RESOLVED, that the "Public Indecency" proposed ordinance as attached be sent to all registered voters and be placed on the general election ballot in November 1994 as follows:

Shall Ravalli County adopt Ordinance No. 7 - "Public Indecency"
YES or NO

BE IT THEREFORE RESOLVED, that since State Law is clear in Section 45-8-201 (5), MCA, that cities or towns are legally vested with the authority to adopt their own more restrictive obscenity ordinances, then if the "Public Indecency" issue passes, it's effect by law will be exclusive to Ravalli County and not the jurisdiction of cities and towns.

Passed this 4th day of August, 1994

BOARD OF COUNTY COMMISSIONERS

Steven D. Powell, Chairman

Allen C. Horsfall, Jr.
Allen C. Horsfall, Jr., Member

Jerry L. Allen
Jerry L. Allen, Member

Attest: Betty T. Skene
Clerk & Recorder

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